

BOARD OF PHARMACY

TITLE 16, SECTIONS 1717 AND 1745 OF THE CALIFORNIA CODE OF REGULATIONS

Amend Section 1717 - Pharmaceutical Practice

(a) No medication shall be dispensed on prescription except in a new container which conforms with standards established in the official compendia. Notwithstanding the above, a pharmacist may dispense and refill a prescription for non-liquid oral products in a clean multiple drug patient medication package (patient med pak), provided:

- (1) a patient med pak is reused only for the same patient;
- (2) no more than a one month supply is dispensed at one time; and
- (3) each patient med pak bears an auxiliary label which reads, "store in a cool, dry place".

(b) In addition to the requirements of Section 4040, Business and Professions Code, the following information shall be maintained for each prescription on file and shall be readily retrievable:

- (1) The date dispensed, and the name or initials of the dispensing pharmacist. All prescriptions filled or refilled by an intern pharmacist must also be initialed by the preceptor before they are dispensed.
- (2) The brand name of the drug or device; or if a generic drug or device is dispensed, the distributor's name which appears on the commercial package label; and
- (3) If a prescription for a drug or device is refilled, a record of each refill, quantity dispensed, if different, and the initials or name of the dispensing pharmacist.
- (4) A new prescription must be created if there is a change in the drug, strength, prescriber or directions for use, unless a complete record of all such changes is otherwise maintained.

(c) Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce it to writing, and initial it, and identify it as an orally transmitted prescription. If the prescription is then dispensed by another pharmacist, the dispensing pharmacist shall also initial the prescription to identify him or herself. All orally transmitted prescriptions shall be received and transcribed by a pharmacist prior to compounding, filling, dispensing, or furnishing. Chart orders as defined in Section 4019 of the Business and Professions Code are not subject to the provisions of this subsection.

(d) A pharmacist may furnish a drug or device pursuant to a written or oral order from a prescriber licensed in a State other than California in accordance with Business and Professions Code Section 4005.

(e) No licensee shall participate in any arrangement or agreement, whereby prescriptions, or prescription medications, may be left at, picked up from, accepted by, or delivered to any place not licensed as a retail pharmacy. However, a licensee may pick up prescriptions at the office or home of the prescriber or pick up or deliver prescriptions or prescription medications at the office of or a residence designated by the patient or at the hospital, institution, medical office or clinic at which the patient receives health care services. ~~is present.~~ The Board may in its sole discretion waive this application of the regulation for good cause shown.

(f) A pharmacist may transfer a prescription for Schedule III, IV or V controlled substances to another pharmacy for refill purposes in accordance with Title 21, Code of Federal Regulations, 1306.25. Prescriptions for other dangerous drugs which are not controlled substances may also be transferred by direct communication between pharmacists or by the receiving pharmacist's access to prescriptions or electronic files that have been created or verified by a pharmacist at the transferring pharmacy. The receiving pharmacist shall create a written prescription; identifying it as a transferred prescription; and record the date of transfer and the original prescription number. When a prescription transfer is accomplished via direct access by the receiving pharmacist, the receiving pharmacist shall notify the transferring pharmacy of the transfer. A pharmacist at the transferring pharmacy shall then assure that there is a record of the prescription as having been transferred, and the date of transfer. Each pharmacy

shall maintain inventory accountability and pharmacist accountability and dispense in accordance with the provisions of Section 1716. Information maintained by each pharmacy shall at least include:

- (1) Identification of pharmacist(s) transferring information;
- (2) Name and identification code or address of the pharmacy from which the prescription was received or to which the prescription was transferred, as appropriate;
- (3) Original date and last dispensing date;
- (4) Number of refills and date originally authorized;
- (5) Number of refills remaining but not dispensed;
- (6) Number of refills transferred.

(g) The pharmacy must have written procedures that identify each individual pharmacist responsible for the filling of a prescription and a corresponding entry of information into an automated data processing system, or a manual record system, and the pharmacist shall create in his/her handwriting or through hand initialing a record of such filling, not later than the beginning of the pharmacy's next operating day. Such record shall be maintained for at least three years.

Authority cited: Sections 4005, 4075 and 4114, ~~4008, 4008.1, 4008.2, 4036.3 and 4097~~, Business and Professions Code.

Reference: Sections 4005, 4019, 4050, 4051, 4075, 4114, 4116, and 4117 ~~4008, 4008.2, 4009, 4035.2, 4035.3, 4036.1, 4036.3, 4046, 4050 and 4097~~, Business and Professions Code.

Amend Section 1745 - Partial Filling of Schedule II Prescriptions

(a) A prescription for a Schedule II controlled substance (as defined in Health and Safety Code Section 11055) may be partially filled, as defined in paragraph (b), if:

- (1) The prescription is for an inpatient of a skilled nursing facility as defined in Health and Safety Code Section 1250; or
- (2) The prescription is for a terminally ill patient. "Terminally ill" as used herein means a patient for whom a licensed physician and surgeon has made and documented a diagnosis of illness or disease that will result in death.

(b) A "partially filled" prescription is a prescription from which only a portion of the amount for which the prescription is written is filled at any one time; provided that regardless of how many times the prescription is partially filled, the total amount dispensed shall not exceed that written on the face of the prescription.

(c) When partially filling a prescription, all of the following conditions must be met:

- 1) The prescription must be tendered and at least partially filled within ~~seven~~ fourteen days following the date of issue;
- (2) The pharmacist records the date and amount of each partial filling in a readily retrievable form and on the original triplicate prescription, also recording the initials of the pharmacist dispensing the prescription;
- (3) No portion of the prescription is dispensed more than 30 days from the date of issuance of the prescription; and
- (4) The original triplicate prescription is forwarded to the Department of Justice in conformity with Health and Safety Code section 11164(a) at the end of the month in which the prescription has been completely filled or in which the prescription has been canceled by death of the patient or otherwise, whichever comes first.

Authority cited: Sections 4005 ~~4008 and 4008.2~~, Business and Professions Code.

Reference: Section 4301 ~~4363~~, Business and Professions Code; and Sections 11055, 11153, 11154, 11164, 11166, 11200, Health and Safety Code.